

**SITE PLAN COMMITTEE
MAY 9, 2006**

1. ROLL CALL

The meeting was called to order at 4:04 p.m. Committee members present were Chair Julie Aitken, Vice-Chair Sam Engel, Jr., James Aucamp, Jr., Bob Breslau and Jeff Evans. Also present were Vice-Mayor Crowley, Councilmember Starkey, Town Attorney Monroe Kiar, Assistant Development Services Director/Engineer Larry Peters, Planning and Zoning Manager Bruce Dell, Deputy Planning and Zoning Manager Marcie Nolan, Planner David Abramson, and Secretary Janet Gale recording the meeting.

2. APPROVAL OF MINUTES: March 21, 2006
April 25, 2006

Mr. Breslau made a motion, seconded by Mr. Aucamp, to approve the minutes of March 21st and April 25, 2006. In a voice vote, all voted in favor. **(Motion carried 5-0)**

3. SITE PLANS

Mr. Breslau made a motion, seconded by Mr. Aucamp, to rearrange the agenda as follows: Long Key Natural Area first; Parc 64 Plaza second; Westridge Oaks third; and Wal-Mart fourth. In a voice vote, all voted in favor. **(Motion carried 5-0)**

3.2 SP 11-4-05, Long Key Natural Area, 3051 SW 130 Avenue (RS Recreation/Open Space)
(tabled from April 25, 2006)

Abbas Zackria, representing the petitioner, was present. He advised that the maintenance building had not been discussed at the April 11th meeting and, therefore, at the following meeting of April 25th, the Committee recommended that the applicant come back with alternative locations for the maintenance building and bring a survey and aerial photos of the entire Kapok Tree property including the parking lot. In a written response to the recommendations made by the Committee, the petitioner explained why the maintenance building was appropriately located and the arrangements they would make in order to satisfy the Committee's concerns.

A lengthy discussion ensued in an effort to have the maintenance building screened from the public as much as possible. Since there was also a concern regarding the visibility of outdoor maintenance machinery, Mr. Zackria assured that the redundant screening consisting of slatted-vinyl fencing as well as a plush hedge, the machinery should not be visible. Mr. Aucamp judged that the hedge foliage would reach a six-foot height within two years of planting.

Mr. Evans made a motion, seconded by Mr. Aucamp, to approve based on the latest revisions which included a small landscape plan which showed hedge material along 130th Avenue and continued into the maintenance area. In a roll call vote the vote was as follows: Chair Aitken – yes; Vice-Chair Engel – yes; Mr. Aucamp – yes; Mr. Breslau – yes; Mr. Evans – yes. **(Motion carried 5-0)**

4.1 SP 8-5-05, Parc 64 Plaza, south of Stirling Road on Davie Road Extension (B-2), (Review Changes)

Jay Evans, representing the petitioner, was present. He indicated that he had complied with the recommendations that had been made by the Committee at the April 25th meeting. Mr. Breslau went through the list of 14 recommendations in order to confirm what had been accomplished by the petitioner.

During the discussion which ensued, there were two recommendations with which the petitioner took issue – the recommendation to increase the foot-candle lighting and the selection of roofing materials. The Committee decided to include the recommendations in its motion in order for the Town Council to be apprised of the concerns.

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Mr. Breslau made a motion, seconded by Vice-Chair Engel, to approve subject to the staff report and the 14 conditions noted at the April 25th meeting. Additionally, item one was to be corrected and shown on the plans; item six, the photometric foot-candles in the main driveways was to be shown at 2.0 minimum; the applicant was to add decorative insets that were agreed to be put in but left out of the plan (10 inserts per building, two-foot by two-foot decorative pre-cast as indicated on Committee member Evans' plans which were given to the petitioner); item 11 regarded the roof tile, that the roof tile should be either cement tile, clay, 'S' tile, or standing metal seams, but should not be the artificial, steel-backed material of which a sample had been provided; and item 12, that the second-story coved walkways be shown clearly on the plans. In a roll call vote the vote was as follows: Chair Aitken – yes; Vice-Chair Engel – yes; Mr. Aucamp – yes; Mr. Breslau – yes; Mr. Evans – yes. **(Motion carried 5-0)**

3.1 MSP 9-1-05, Westridge Oaks, northeast corner of Flamingo Road and Orange Drive (AG)
(tabled from April 25, 2006)

Dennis Mele, representing the petitioner, was present. He advised of the situation whereby this item was automatically tabled at the meeting of April 25th since three consistent votes were needed in order for the item to move forward to Council.

Mr. Kiar advised that he was asked to be present for this issue in order to give counsel should it be needed. Messrs. Breslau and Evans indicated that they would abstain from voting on this item.

Mr. Mele presented the changes that were made to the Orange Drive scenic corridor and indicated that either of the two plans could be implemented depending on the Committee's preference. The same was true of the Flamingo Road scenic corridor. He also provided "line-of-site" graphics to demonstrate what a six-foot-tall person would view when standing on the east side of the canal. A lengthy discussion ensued regarding interpretations of what was and was not allowed within the corridors.

Vice-Chair Engel made a motion, seconded by Mr. Aucamp, to approve a combination of two plans, one being plan number two which indicated a "separate drive aisle" on the west side and secondly, the new plan which indicated a "100-foot of green area" on the south side. In a roll call vote the vote was as follows: Chair Aitken – no; Vice-Chair Engel – yes; Mr. Aucamp – yes; Mr. Breslau – abstained; Mr. Evans – abstained. **(Motion carried 2-1 with Chair Aitken being opposed; therefore, subject to Resolution R-2001-209, this item was automatically tabled to the meeting of May 23, 2006.)**

Mr. Kiar asked Chair Aitken if there was anything the applicant could do to change her vote. Chair Aitken explained how she would prefer it to be developed in order to maintain the integrity of the corridors.

Mr. Kiar asked Mr. Mele if he would come back with a new site plan in order to meet Chair Aitken's concerns. Mr. Mele explained why he was unable to conciliate. Having determined that the situation would not change and would perpetuate due to a lack of voting quorum, Mr. Kiar opined that the item should be moved forward to Council.

3.3 MSP 6-1-05, Wal-Mart – Margolis Site, northwest corner of SW 45 Street and University Drive (Commercial, B-2)

Mr. Abramson advised that the "Settlement Agreement" had been referenced several times in the staff report and, therefore, Mr. Kiar was present to opine on the validity of the Agreement. He added that staff was requesting a tabling of at least one month before readdressing this item.

Mr. Kiar explained that he was contacted two hours prior to this meeting regarding the validity of the developer's agreement and he had not seen the site plan. He advised that the agreement had been entered into approximately 17 years ago and may have expired by "operation of law."

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Mr. Kiar clarified that it was referred to as a 'Development Agreement' (Agreement) as it had been defined on page two of the Agreement. Florida Statute 163.3229 spoke to the duration of the Agreement not to exceed ten years. He was not able to give a definitive answer as it would take time to look at the Florida statutes and case law.

Chair Aitken asked if the Agreement turned out not to be valid, would the project meet the current Code. Mr. Abramson indicated that the major issue was with the retail building square footage requirements.

Vice-Chair Engel expressed that the project could be reviewed in order for the Committee to express its concerns. Committee members agreed that reviewing the item would give the applicant direction and cautioned that the issue of the Agreement was to be determined.

Susan Motley, Derrick Cave, David Haraway, Dave Sims and John McWilliams, representing the petitioner, were present. Ms. Motley was surprised that after two years of working on the project, that there was now a question about the Agreement. She stated that she would appreciate that the Committee review the project and understood that it was subject to a determination that the Agreement was valid.

Mr. Abramson summarized the planning report relative to the applicable Codes and ordinances apart from the Agreement.

Chair Aitken noticed that there appeared to be a conflict regarding the traffic impact studies and asked about it. Mr. Peters indicated that the intersection on University Drive and Griffin Road was an already a "failing intersection" and any additional traffic would exacerbate the problem. He indicated where a traffic light was desperately needed and explained the situation of trying to exit the complex and head north. Although the petitioner also wanted the traffic light, the Department of Transportation directed the petitioner to first develop the site. Mr. Peters pointed out other areas of concern regarding traffic flow and impact. Ms. Motley advised that the petitioner had agreed to provide a turn lane on Orange Drive and to contribute to improvements on SW 76th Avenue.

Using several graphics, Ms. Motley provided a presentation to better explain the intent of the project. In determining where to place the building on the site, Wal-Mart had considered the homeowners to the north as well as a stand of Oak trees and, therefore, placed the building to the south facing north. In that way, it provided as much space as possible between the residents and the building. She advised that originally, the building was designed in the Florida vernacular; however, at the public participation meetings, residents requested the Mediterranean style.

Chair Aitken opened the meeting for public comment.

Don Martin, 8343 North Lake Forest Drive, indicated that he represented his homeowners' association and both he and the association were "adamantly opposed" to the project. He listed the reasons for his opposition based on the reduction in the quality of life.

Gregg Sanders, 8343 North Lake Forest Drive, was opposed due to the size of the building, the 24-hour parking lot activity, and the overflow lighting.

Marie Kaplan, 5721 SW 54 Court, was opposed due to traffic concerns and the added need to utilize the Town's public safety officers.

Chair Aitken reminded the speakers that this Committee dealt with site plan issues and asked that their remarks address those concerns.

Bill Snyder, 7931 SW 45 Street, indicated that he owned the law offices located at the site and was opposed to the project. He believed that the configuration of the building was inappropriate and that there was too much building in too little space.

Karen Stenzel-Nowicki, 5480 SW 55 Avenue, asked that the validity of the Agreement needed to be established first. She added that based on that decision, should it be rendered invalid, that the applicant be directed to follow the Code and make the appropriate application to the Planning and Zoning Division. Lastly, Ms. Stenzel-Nowicki asked that within that application,

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it comply with the Land Development Code which would apply to the size of the building, setbacks, etcetera.

The Committee discussed how it should proceed and decided that although it may have to table the item pending a decision about the Agreement, it would critique the project in order to provide direction for the applicant.

Mr. Breslau opined that the store was facing the wrong direction and that the scenic corridor on Orange Drive had been disregarded. He did not believe that this was good planning and was concerned that there would not be enough space to find the room to buffer the loading docks at the rear of the building. Mr. Breslau asked staff about their logic for the layout. Mr. Abramson responded that it was not the ideal layout; however, staff tried to place the usage as far away as possible from the homeowners. He advised that the building prototype would only fit into the awkward “key” shaped site placed the way it was. Mr. Abramson agreed that substantial buffering would be needed and, therefore, it had been one of staff’s recommendations.

Mr. Breslau made specific recommendations to improve the loading dock/storage area and pointed it out on his plans for the applicant’s understanding. Although he deferred to the landscape architects to figure out a resolution, Mr. Breslau was concerned with the size of the actual landscape materials to be planted in the ten-foot buffer along Orange Drive. He addressed the entrances to the garden area and suggested that the loading and unloading be relocated to the south side within a solid fenced area. Mr. Breslau suggested a place for the storage of garden material to be confined behind the seasonal garden area and be fenced and screened. Pointing to Mr. Breslau’s plans, Mr. Haraway explained the functions of the gardening area. Mr. Breslau was concerned that the loading area was placed too close to the main entrance of the store. A lengthy discussion ensued regarding a shade-cloth system for the garden center. Mr. Cave advised that the public preferred a better defined architectural entrance to the garden center.

Mr. Breslau commented that the architecture of the Wal-Mart building did not reflect the community’s style. He had researched other buildings which Wal-Mart had done and believed one of them would be more appropriate architecturally for the area, specifically, the red brick with the green, standing-metal seam roofing. Mr. Breslau made suggestions for decorative lighting features on the building, lampposts for the sidewalk area, different materials for the column bases, and a way to improve the window groupings on the second story façade to make them appear more authentic. He asked that the fencing between the column posts at the garden area be embellished with some decorative feature and commented that the building façade facing University needed a taller feature to match the other side.

Mr. Aucamp was concerned with the height of the berms, particularly the berms on Orange Drive. He indicated that six to eight shade trees located around the loading area were inadequate. Mr. Aucamp asked for clarification of the landscape plan for the northern property line and Mr. Sims provided the details. In the lengthy discussion that followed, Mr. Aucamp pointed out his “areas of concern” regarding the landscape plans. They were to enhance the entrance feature at the southeast corner of University Drive and Orange Drive; and contrary to what Mr. Sims had indicated, the plans did not show a six-foot high berm along Orange Drive and along University Drive. His final concern was that the northern property line be enhanced with more landscape material. Mr. Aucamp asked the applicant if they were willing to restrict their hours of deliveries. Ms. Motley indicated that it might be possible to work out an 11:00 p.m. to 6:00 a.m. restriction; however, the hours of operation would remain at 24 hours.

Vice-Chair Engel noted a problem with the drive pattern for eastbound traffic in front of the store facing westbound traffic entering off of University Drive. He, therefore, sketched a modification on his plans which he showed to the applicant who agreed he could make the modification work.

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Mr. Evans was concerned about the ability to acquire a traffic light on University Drive in order for vehicles to exit and travel north on University Drive. He agreed that the building was facing the wrong way and could not understand why an entrance to the store was not placed on the east-facing part of the building since that was the grocery section. As there was a parking area conveniently placed to the east of that location, Mr. Evans anticipated that it would be a convenient access to the grocery section of the store as well as being somewhat removed from any residences. Following a lengthy discussion, it was decided that the applicant would extend the covered walkway along the east-facing portion of the building in order to shelter patrons to the entrance on the northeast end of the building.

The placement of the building on the site was again discussed with attention given to the loading dock configuration. Mr. Cave advised that there had been a few options for the loading dock; however, because of the location of the Snyder property and other constraints, the plan presented was the only one that worked.

Mr. Evans commented that the architectural style on the front side was “all over the place” and inconsistent. He recommended that they change something. It was confirmed that benches and planters were to be placed at the front of the building to make it more pedestrian friendly. Mr. Evans questioned the length of time needed for a date certain in his motion to table. The applicant indicated four weeks would be needed to revise the plans. Chair Aitken reiterated that the Committee was awaiting Mr. Kiar’s opinion on the validity of the Agreement since it could turn out to be that the Agreement had expired and the project would not meet Code.

Mr. Evans made a motion, seconded by Mr. Aucamp, to table to June 13, 2006. In a roll call vote the vote was as follows: Chair Aitken – yes; Vice-Chair Engel – yes; Mr. Aucamp – yes; Mr. Breslau – yes; Mr. Evans – yes. **(Motion carried 5-0)**

4. OLD BUSINESS

There was no old business discussed.

5. NEW BUSINESS

Mr. Breslau asked about the roofing replacement on the Costco building as the materials they were using was the sheet metal which the Committee was so opposed to approving on other sites. He also advised that the tree replacements they made following the hurricane were absurd as they were such small specimens that they were being trampled.

Mr. Dell thought that the barrel roofing tile may not have been available and so they were repairing the roof with what had been available. He indicated that he would check into it. Insofar as the tree replacements were concerned, he advised that it had been requested for this year’s budget that the Landscaping Division have its own Code officials in order to deal directly with those types of issues.

6. COMMENTS AND/OR SUGGESTIONS

Mr. Abramson requested that in the future and when there was a long list of recommendations made by the Committee, that tabling actions be made for a minimum of four weeks in order to provide staff with the time to review all the recommendations that were supposed to be made.

7. ADJOURNMENT

There being no further business and no objections, the meeting adjourned at 7:43 p.m.

Date Approved: _____

Chair/Committee Member